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# Family Matters



Quarterly News & Information About Kentucky's Family Courts

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## Developing Court-Connected Parent Divorce Education Programs Guidelines For Communities Part 1 of 4

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*This is the first in a four part series which discusses developing court-connected parent divorce education. The Department of Family Court is assisting the family court in exploring the best program for their site and community and is supporting the development of these programs across the state. The Department of Family Court will assist any jurisdiction in developing a divorce education program to meet their needs.*

This article answers a myriad of questions that program providers and communities might consider when developing a divorce education program for parents. Questions and answers are considered for the following areas: a) purpose and objectives; b) needs assessment; c) curriculum development; d) program support; e) personnel matters; f) money matters; g) program participants and participation; h) special needs; and i) evaluation. Communities that build consensus around these are more likely to develop successful programs.

Numerous court-connected divorce education programs have been developed to address the needs of divorcing parents. In 1998, at least 48% of counties in the U.S. reported having a program for divorcing parents (Geasler & Blaisure, 1999). The authors report a 180% increase in the number of programs for divorcing parents since 1994. Sixty-five percent of these programs have mandatory attendance policies and 35% have non-mandatory policies. The continued growth of court-connected programs is likely because of the impact of post-divorce parental conflict on child support and visitation compliance (Braver, Wolchik, Sandler, & Sheets, 1993).

Regardless of whether the program provider utilizes a packaged program or whether they design their own program, there are a number of contextual issues that will determine the success of their program. Have the program objectives been clearly defined? Does the program meet the needs of the population? Have the judges made a commitment to the program? Does the program have the support of the community? Bar association? Clerk's office? How will information be disseminated about the program? How will you determine the program successful? The above mentioned issues are critical to the implementation (Braver, Smith & Deluse, 1997).

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We have tried to organize the following discussion of issues in a way that might appear to suggest that the planning of your program is linear (i.e. a list of steps to complete). We recognize in reality that these issues will be revisited and refined throughout the planning of your program. Developing a divorce program takes a collaborative team of diverse professionals representing social services and judicial arenas. Therefore, the process will be quite fluid with participants joining, exciting and rejoining the team and with on-going evaluation and change throughout the process. Attention must be made to solicit the advice and guidance of all parties or the program will suffer.

**I. Purpose and Objectives: What are the purposes and objectives for implementing a parent education program in your community ?**

Judges who hear divorce cases are overwhelmed with the number of cases which come before them but are also astounded by the amount and level of conflict they witness between parties, frequently aimed at the children and cleverly disguised but intended for the other party. In many cases, parties try everything to make the other side look bad as a means to get custody of the child, prevent visitation, or get a maximum amount of visitation. The biggest problem is most parents, due to their own emotional baggage, cannot see the damage, done to the child, who does not want to be involved in the divorce.

In 1991, a family court pilot project was developed in Jefferson County, Kentucky to better serve families who had to have contact with the court system. One of the Jefferson Family Court's goals was to locate gaps in services to families in the court system and develop ways to provide needed services. A number of issues presented themselves:

- the increased number of times a divorced couple would come back to court;
- the increased amount of trauma children were exhibiting;
- the level of hostility between the parties when it came to the children; and
- the lack of skill parents possess around assisting their child in resolving issues about the divorce.

Below is a sample of a program that was established in 1992 by the University of Louisville and Jefferson County Court. The chief judge of Jefferson Family Court was approached regarding a parent education program for divorcing parents and their children. Following discussions and research of effective interventions, five major objectives were formulated:

1. Increase children's competence by teaching specific skills to identify divorce related concerns in self and others;
2. Reduce children's feelings of isolation and misconceptions about divorce;
3. Increase children's awareness of how divorce affects their parents;
4. Increase appropriate ways children can respond to anger; and
5. Develop parental competence by teaching skills to handle children's divorce-related concerns, co-parenting relationships and parent-child relationships (Brown, Portes, Cambron, Zimmerman, Richert, & Bissmeyer, 1994).

Any court entity wanting to begin a parent education program, must be clear about the objectives of the program. Rather than adopting an already established program, personnel should determine the type of program needed and what it should accomplish. This is also important when designing the evaluation of the program, which cannot be attempted without clear, concise objectives.

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## **II. Needs Assessment: What populations need to be served?**

To determine the populations to be served, it may be best to look at divorce files for the past few years noting annual figures, trends across years, seasonal patterns in the rate of divorcing parents, and data on the approximate numbers of the different development ages of children. Consider whether the program should be designed for parents only or parents and children.

This expansion is primarily attributable to research that suggests the need for children to understand what is happening with their families. It should be noted that as the needs assessment is completed, the purpose and objectives of the program must naturally be revisited.

With any new program, whether it is for parents or children, problems can be dealt with more successfully if the program is begun with a smaller population and expanded as quality is established. In Jefferson County, the *Families in Transition* program instituted a mandated program both for divorcing parents as well as their children ages 8-12, thus providing a family approach to these issues. The *Families In Transition* program later expanded to families with children through age sixteen. In Fayette County, Kentucky, a parent program was mandated in 1991 and subsequently a children's program call "Kids' Time" was mandated in 1996.

## **III. Curriculum Development**

**What components should be a part of this curricula? Should you use and existing curricula or develop another curricula?**

Of course, the curriculum components should be determined by the purpose and objectives, which have been identified and discussed in Section I. There are many excellent curricula, each with their own objectives, which should be examined to determine their fit with the needs of the community. Prior to selecting a curriculum, you should educate yourself on the range of content covered in divorce education programs. Geasler and Blaisure (1999) and Braver, Salem, Pearson and DeLuse (1996) provide an exhaustive list of content areas covered by programs across the country. Additionally DiBias (1996) describes the three most comprehensive children's programs in the nation. By using this information, you can determine the extensiveness of the program you are considering selecting. If an established curriculum is chosen, it may be modified to better suit the community's needs.

**What is the cost of an established curriculum?**

The costs of established curricula vary from reasonable to very expensive. Some copyrighted and franchised programs will sell the curriculum with the understanding that all accompanying materials will need to be purchased for each participant. Other programs charge only for the cost of printing the curriculum and program materials, with the understanding that leaders participate in training offered by that particular program at a reasonable price.

*Look for Part II in our next issue when we will discuss program support, personnel matters, facilitators and money matters when developing parent divorce education programs.*

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## GENERAL ASSEMBLY WATCH

### FAMILY COURT

During this year's Kentucky General Assembly, there are several bills introduced which will be of interest to the family courts and the domestic relations and juvenile bar. Particularly noteworthy is House Bill 341 which proposes an amendment to the Kentucky Constitution, solidifying the foundation on which the Family Court Projects have been established. The bill was introduced by Representatives Stumbo and Ford, and has the strong support of the Governor and the leadership of both the House and the Senate. It is projected that this amendment will be placed on the November ballot for the voters and a yes vote will pave the way for growth of the family courts.

### CHILDREN, CHILD PROTECTION, CHILD SUPPORT

Senate Bill 52 creates a new section in KRS Chapter 411 to prohibit a parent who has abandoned a child from recovering for the wrongful death of that child, with several possible exceptions. Legislation presented proposes that KRS 610.125 (an act relating to child protection) be amended to conform with the Adoption and Safe Families Act (ASFA), and proposes certain amendments be made or statutes created to fine tune the requirements of ASFA. (Bills relating to child protection include HB 170, 204, 165, 256) House Bills 166 and 168 relate to child support also proposing changes to Kentucky statutes to conform to federal law.

House Bill 237 relates to children's advocacy centers with various amendments to existing statutes (e.g. KRS 431.600).

### DOMESTIC VIOLENCE

Several pieces of legislation have been introduced which could impact domestic violence laws. A bill was introduced in the house (HB 125) relating to the expungement of emergency protective orders (at time of printing, this bill had not moved out of Judiciary.) Another bill requires that EPOs restrain both parties from certain conduct. (HB 234, also still in committee.) Adoption of HB 489 would prevent a person's certification as a peace officer if that person has been convicted of a misdemeanor crime of domestic violence or has a current domestic violence order issued in the previous five years, and among other things would establish additional acts that would constitute the crime of stalking.

### DOMESTIC RELATIONS

- HB 247 - sets forth procedure for emancipation of a minor
- HB 41 - effect of divorce on inheritance
- HB 315 - termination of maintenance upon cohabitation
- SB 93 - increase of marriage license fees

**These bills seemed of interest at the time of newsletter publication.** Please note that there was no effort to be all-inclusive, or to state every provision of any bill that can/could impact the family court.

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## CDWs AND THEIR ROLE IN THE PRE-COURT PROCESS

*Deborah Williamson, Manager, AOC*

*Division of Youth, Families and Community Services*

In 1986, following statutes and in an attempt to divert juveniles from the formal court process, the Kentucky General Assembly provided funds for the creation of the statewide CDW program (Clary & Isaacs, 1991). Under the direction of the Administrative Office of the Courts, Division of Juvenile Services, CDWs provide intake and diversion services for the Kentucky Court of Justice. In this capacity, they process public (delinquent or criminal) and status (beyond parental control, truancy and runaway) complaints on individuals under the age of eighteen. In addition, they are available 24 hours a day, 7 days a week to assist law enforcement with the release from custody or detention process.

Complaints may be generated by police agencies, schools, family members, or other citizens. Uniform criteria, based on American Bar Association (ABA) standards determine which juveniles must appear before the juvenile division of district court and which are eligible for informal processing in the CDW program. Offenses of a grave nature such as homicide, first and second degree assaults, and sexual offenses are referred to formal court, where they will be dealt with by a judge. In addition, youth who have been placed on diversion on two prior occasions and who have committed a third offense must also be arraigned in district court. Juveniles who are involved in minor offenses, such as shoplifting or harassment are typically eligible for informal processing and may voluntarily enter diversion agreements with the CDW.

It is important to understand that in the Kentucky system, youth are afforded the opportunity for diversion. The CDW Program is a pre-court phase in the juvenile justice system, and all clients are considered to be alleged offenders. Even though they may be placed on an informal contract outside of the formal court system, they retain the right to request a formal court hearing prior to entering a diversion contract. If a youth pronounces innocence and requests a hearing in district court, the CDW is bound by law to set the case for arraignment.

Prior to the development of a diversion contract, the CDW is obliged by Kentucky statutes to notify the victim of a public offense, the arresting officer, and the prosecuting attorney of the intent to place the youth on diversion. These parties have two weeks in which to

notify the CDW of any objections to the youth being diverted. If an objection is raised, a special hearing is held to determine how to proceed with the case (i.e., formally or informally). Such reviews are rare and occur in less than one percent of all cases generated in the state. If, as is typically the case, there are no objections, the youth is placed on a diversion contract with the CDW.

A diversion agreement is a contract that is negotiated between the CDW and the youth to resolve the complaint. Although parents are present during the negotiation process, they are not actively engaged in the negotiation unless logistical issues are raised, such as transportation to a community service site or fees for counseling services. The CDW is obliged by law to address the issues that are specified in the complaint.

In other words, the diversion contract is intended to hold youth accountable. A formal diversion typically includes conditions such as victim restitution, community service to nonprofit entities, drug/alcohol assessments, counseling, curfew, and educational seminar attendance.

The CDWs make diligent attempts to ensure that youth successfully complete diversion contracts. The negotiation process includes discussing issues such as school or work schedules that may interfere with performing community service work within the specified amount of time. Issues commonly raised include preferences for the type of community service, transportation issues when community work or counseling sessions are required, or financial considerations if restitution is owed or counseling services must be utilized. Much of the program's success has been attributed to this negotiation feature. The youth's involvement begins in the formal diversion conference and continues throughout the diversion program.

CDWs monitor each case, ensuring a juvenile's compliance with the conditions set forth in the diversion contract. A juvenile has up to six months in which to complete the agreement. If a youth demonstrates non-compliance in completing the contract, the CDW will contact the youth with an unsuccessful diversion conference notice. This formal conference is held to establish the reasons why a youth is failing to adhere to the specified conditions. If legitimate reasons for the non-compliance are presented to the CDW, renegotiation may

be possible. If, however, the CDW has exhausted all diversion alternatives and the youth cannot demonstrate legitimate cause for noncompliance, the CDW is obliged by law to petition the court for an arraignment. In cases where the youth has successfully completed the terms of the original contract, the CDW dismisses the originating charge. No formal record of delinquent activity exists: strict adherence to confidentiality regarding the case is followed. Public access to diversion cases files is denied by law.

The state processes approximately 46,000 juvenile cases per year. Fifty percent of these cases are diverted. An impressive 89 percent of the client population complete their diversion contracts with CDW's.

For more information please contact Deborah Williamson, General Manager, AOC at (502) 573-2350.

### **- CDWs Do -**

- \* provide 24 hour service to law enforcement officials
- \* receive complaints from citizens, schools, parents, and law enforcement
- \* ensure due process rights are upheld for all juvenile clients including confidentiality, the right to counsel during pre-court proceedings, and the right to a formal court appearance
- \* work with the county attorney to ensure a review of each public offense complaint filed is completed
- \* utilize ABA criteria in determining whether to divert or refer a case to formal court
- \* provide timely notification to victims, arresting officers, and the county attorney regarding the intent to divert a case
- \* negotiate diversion contracts with juvenile offenders
- \* monitor diversion contracts for compliance
- \* develop and implement an array of diversion programs, and/or link with existing community resources to meet client needs

### **- CDWs Do Not -**

- \* take custody of juvenile offenders from any one including law enforcement
- \* process dependency, neglect abuse, or mental health cases
- \* dismiss complaints
- \* provide services for juvenile whose cases have been referred to formal court and are subsequently informally adjusted, probated, or committed
- \* conduct home visits
- \* make decisions regarding the detention of juvenile offenders
- \* issue arrest or search warrants
- \* provide services to juveniles for whom charges have not been filed, except pre-complaint conferences for status offender



On going places....

The more that you read,  
the more things you will know.  
The more that you learn,  
the more places you'll go.  
- *I Can Read with My Eyes Shut!*  
Dr. Seuss

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## AOC/State Justice Institute Grant Award!

### ***Comprehensive Handbook for Administrators in Rural Areas***

*Angie DeHart*

The Department of Family Courts, AOC, is proud to announce the receipt of a State Justice Institute grant award entitled "A Comprehensive Handbook for Administrators of Family Courts in Rural Areas". The start date for the fifteen month grant is February 1, 2000.

The project focuses on the unique challenges faced by rural and suburban family courts, as opposed to urban courts. Research and evaluation will be conducted in various family court sites, and will address the issues of court performance, calendaring and rotation, judicial caseloads and calendar time, court rules and forms, caseload management, and quality of legal representation. In addition, facilities, court security and organizational behavior will be explored. This research will feature a multi-method approach using written surveys, interviews, structured observation, and file review.

The goal of the project is to produce a handbook, reflective of the findings, for use as a technical assistance bulletin for family court judiciary and administration. The quality of the handbook will be evaluated during a conference and attendees will be invited to offer suggestions for improving the material and adapting it to jurisdictions outside of Kentucky. This comprehensive handbook will provide a "how to" for developing and administering rural family courts.

During the month of February we are hiring for the position of grant coordinator and consulting with state universities regarding the research and evaluation of the rural and suburban family court sites. We anticipate this project will positively impact the growth of family courts on a national level, and are excited that Kentucky continues to be in the forefront of this development. Stay tuned!

## FAMILY COURT SITE UPDATES

### FLOYD...

- \* Collaborating with the school system, to implement a program to prevent truancy
- \* Currently arranging a Big Brother/Big Sister charter for our area
- \* Training facilitators for F.I.T program and implementing F.I.T.

### McCRACKEN...

- \* Truancy Court began in early December
- \* Thanks to generous donations from the community, the Children's Waiting room is now furnished and filled with toys. The local Retired and Senior Volunteers Program has provided "Golden Grannies" to supervise children in the waiting room while their parents are in court.
- \* Please welcome Frances Wright as the new judicial secretary. Frances comes to family court with several years experience in the clerk's office and as a private legal secretary.

## CHILDREN OF THE AMERICAS PRESENT DONATION OF TOYS TO FAMILY COURT

Children of the Americas, a nonprofit organization, which serves indigent children, recently donated 100 toys to Warren Family Court, to be given to children who find themselves within the court system. Linda Shober, Director of Children of the Americas and her assistant, Jill Belcher presented the toys to Judge Huddleston. Judge Huddleston always presents toys to children during adoption ceremonies.

The toys were donated to Children of the Americas by a toy manufacturer who wishes to remain anonymous. A plaque will be placed on the wall of the Children's Waiting Room publicly thanking all agencies.

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